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PATENT DEPARTMENT
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EXAMINER
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ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-64 and 66-86</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-2, 3-64, 66-86</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The Applicant's arguments filed 5/30/2006 regarding Claims 81-86 rejection under 35 USC § 132(a) are persuasive. And the rejections are withdrawn.

2. The Applicant's arguments regarding Claim 1 is not persuasive. As Ogino(U.S. Patent 6571220 B1) discloses the copy-once searching being performed separately than the copy-never searching see Fig. 9 item S102 and S104 & Fig. 12 item S204 & S208. And additionally, the Applicant's arguments regarding the role reversal is also not persuasive. As a secure bus is disclosed and the bus is used for communication between reproducing apparatus and the recording apparatus see Fig. 16 item 100 & 400. And further the recording unit receiving the material from the reproducing unit see Fig. 6 item 206, 211 & Fig. 10 item 107, 109.

3. The Applicant's arguments regarding Claim 22, 42 are not persuasive. As Ogino discloses the transmitting information of the detection of copy-once indication back to the sender see Fig. 9 item 104 & 105 and Fig. 10 item 107 & 109. The Applicant's arguments regarding the sending of information back to the sending unit is not persuasive as Ogino discloses the communication in form of an output see Fig. 10 item 100d & Col 8 Ln 52-64 & Col 7 Ln 39-46.

4. The text of those sections of Title 35, U.S. Code not included in this action can
   be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. Claim 1-2, 4-7, 9-34, 36-39, 41-54, 56-64,66-80 rejected under 35 U.S.C. 102(e)
as being anticipated by U.S. Patent 6,571 ,220 B1 to Ogino et al.

6. A system for providing protected copying of material, comprising: a
   preprocessing unit having an output and capable of providing copy-once
   functionality on a material before providing said material on said output- wherein
   said copy-once functionality includes searching for a copy-once indication and a
   copy-no- more indication in said material not providing said material on said
   preprocessing unit output if said copy-no-more indication is found and remarking
   said material with said copy-no-more indication before providing said material on-
   said preprocessing unit output if said copy-once indication is found and said
   copy-no-more indication is not found(see Col 10 Ln 1-6 & Col 5 Ln 39-47 &
   Fig.14 item S305) and a recording unit coupled through a secure channel to said
   preprocessing unit output to receive said material from preprocessing unit and
   capable of searching for a copy-never indication in said material provided on said
   preprocessing unit output and copying said material unless said copy-never
   indication is found but lacking capability to remark said material with a copy-no-
   more indication(Col 6 Ln 39-51& Col 15 Ln 48-65 & Fig.19 item S401 & S407).

7. Regarding Claim 2, Ogino discloses copy-never watermark is embedded within the material see Column 6 Line 23-33.

8. Regarding Claim 4 and 5, Ogino discloses the copy-one and copy-no-more watermark embedded within the material see Column 6 Line 8-15.

9. Regarding Claim 6 and 7, Ogino discloses the secure channel and checking of watermark information and also of key exchange see Column 6 Line 58-67.

10. Regarding Claim 9, Ogino discloses the searching for watermarks that represent "copy-once" see Column 12 Line 1 1-29.

11. Regarding Claim 10 and 12, Ogino discloses the step of finding the copy-once watermark after establishing secure channel see Col 14 Line 53-60.

12. Regarding Claim 11, Ogino disclose the step establishing secure connection before finding watermarks see Column 6 Line 52-64.

13. Regarding Claim 13, Ogino discloses the preprocessing unit acting as though it had found the copy-once indication see Column 6 Line 39-51 .

14. Regarding Claim 14, Ogino disclose the audio-visual content see Col 8 Line 29-
    40.

15. Regarding Claim 15,16, 17,18, 82, and 83, The "preprocessing unit personal
    computer is included on an expansion board of a personal computer" is met by
    Ogino et al. Col 15 Line 53-65.

16. Regarding Claim 19, The "network appliance coupled to a recording unit" is met
    by Ogino et al. see Column 14 Line 57-60.

17. Regarding Claim 20, The "preprocessing unit is included in a set-top box coupled
    to said recording unit" is disclosed by Ogino et al. see Column 7 Line 24-37.

18. Regarding Claim 21, 84, Ogino disclose DVD recordable drive see Column 6
    Line 15-21.

19. Regarding Claim 22, A method implemented in a recording unit for providing
    protected copying of material, comprising: detecting if a copy-never or copy-once
    indication is provided with a material(Col 6 Line 8-15) if said copy-never
    indication is detected, then not allowing copying of said material(Col 6 Line 45-
    51) if neither said copy-never nor said copy-once indication is detected, then
    allowing copying of said material(Col 12 Line 11-18) and if said copy-once

indication is detected, then transmitting information of said detection of said

copy-once indication back to a sender of said material provided a secure channel

is established with said sender, otherwise not allowing copying of said

material(Col 12 Line 19-29).

20. Claim 23 is rejected under the same rationale as Claim 14 above.

21. Claim 24 is rejected under the same rationale as Claim 2 above.

22. Claim 25 is rejected under the same rationale as Claim 4 above.

23. Claim 26 is rejected under the same rationale as Claim 21 above.

24. Claim 27 is rejected under the same rationale as Claim 15 above.

25. Claim 28 is rejected under the same rationale as Claim 16 above.

26. Claim 29 is rejected under the same rationale as Claim 17 above.

27. Claim 30 is rejected under the same rationale as Claim 19 above.

28. Claim 31 is rejected under the same rationale as Claim 20 above.

29. Regarding Claim 32, The "method according to claim 22, wherein said

transmitting information of said detection of said copy-once indication back to a

sender of said material provided a secure channel is established with said

sender, otherwise not allowing copying of said material, comprises: if said copy-

never indication is not said copy-once indication is detected, then detected and a

secure channel already established with said sender of said material, then

transmitting information of said detection of said copy-once indication back to

said sender of said material, and said secure channel is not already established

with said sender of said material, then not allowing copying of said material" is

met by Ogino et al. see Col 10 Line 53-64 & Column 9 Line 54-58.

30. Regarding Claim 33, The "method according to claim 22, wherein said

transmitting information of said detection of said copy-once indication back to a

sender of said material provided a secure channel is established with said

sender, otherwise not allowing copying of said material, comprises'. "if said copy-

never indication is not detected and said copy-once indication is detected, then

establishing a secure channel with said sender of said material', if said secure

channel cannot be established, then not allowing copying of said material', and if

said secure channel is established, then transmitting information of said detection

of said copy-once indication back to said sender of said material" is met by Ogino

et al. see Col 10 Line 53-64 & Column 9 Line 54-58.

31. Claim 34 is rejected under the same rationale as Claim 7 above.

32. Regarding Claim 36, 37, and 38, Ogino et al. discloses transmitting information

only when allowed based on watermarks and done thorough an secure channel

see Col 10 Line 53-64 & Column 9 Line 54-58.

33. Claim 39 is rejected under the same rationale as Claim 7 above.

34. Claim 41 is rejected under the same rationale as Claim 5 above.

35. Regarding Claim 42, A recording unit for providing protected copying of material, comprising: an input channel receiving a material for copying from the sending unit(Col 10 Line 1 1-18 & Fig. 19 item S401 & S407), a primary detector coupled to said input channel to detect a copy-never indication and a copy-once indication are provided with said material(Col 9 Line 66-Col 10 Line 6), and compliance logic coupled to said primary detector and configured such that if said copy-never indication is detected, then preventing said material from being copied, and if neither said copy-never nor said copy-once indication is detected, then allowing said material to be copied(Col 10 Line 47-641.

36. Claim 43 is rejected under the same rationale as Claim 14 above.

37. Claim 44 is rejected under the same rationale as Claim 2 above.

38. Claim 45 is rejected under the same rationale as Claim 4 above.

39. Claim 46 is rejected under the same rationale as Claim 21 above.

40. Claim 47 is rejected under the same rationale as Claim 15 above.

41. Claim 48 is rejected under the same rationale as Claim 16 above.

42. Claim 49 is rejected under the same rationale as Claim 17 above.

43. Claim 50 is rejected under the same rationale as Claim 19 above.

44. Claim 51 is rejected under the same rationale as Claim 20 above.

45. Claim 52 and 53 are rejected under the same rationale as Claim 32 and 33,

respectively.

46. Claim 54 is rejected under the same rationale as Claim 7 above.

47. Claim 60 is rejected under the same rationale as Claim 5 above.

48. Regarding Claim 61,62 and 63 compliance logic being processor, state machine

and logic circuit are substantially taught by Ogino et al. see Column 12 Line 42-

48 & Column 11 Line 36-43.

49. Regarding Claim 64, A system for providing protected copying of material

comprising: a preprocessing unit having at least one input channel for receiving

material and an output channel for providing an output wherein said material is

provided as said output neither a copy-never indication nor a copy-once

indication is detected as being provided with said material, said material is not

provided as said output if either said copy-never indication is detected as being

provided or said copy-once indication and a copy-no-more indication are both

detected as being provide with said material, and an encrypted version of said

material including said copy-no-more indication is provided as said output and

said output channel is configured to be a secure channel if said copy-once

indication is detected and said copy-no-more indication is not detected prior to

said inclusion with said material (Abstract & Col 11 Line 65-Col 12 Line 10); and

a recording unit coupled to said output channel of said preprocessing unit and

including a primary detector to detect if a copy-never indication and a copy-once

indication are provided with said preprocessing unit's output (Col 12 Line 42-48);

and compliance logic coupled to said primary detector and configured such that if

said copy-never indication is detected then not allowing said preprocessing unit's

output to be copied and if neither said copy-never nor said copy-once indication

is detected then allowing said preprocessing unit's output to be copied and if said

copy-once indication is detected- then establishing a secure channel-with said

preprocessing unit and passing information of said detection of said copy-once

indication back to said preprocessing unit over said secure channel(Col 13 Ln

15-34 & Col 14 Ln 24-41 & Col 7 Ln 49-51).

50. Regarding Claim 66, The "preprocessing unit receives said information of said

detection of said copy-once indication passed back by said recording unit, and

provides said encrypted version of said material including said copy-no-more

indication as said output over said secure channel" is met by Ogino et al. see

Column 12 Line 19-33.

51. Regarding Claim 67, The "recording unit further includes a secondary detector to

detect if a copy-no-more indication is provided with said preprocessing unit

output, and said compliance logic is further configured such that if said copy-

once indication is detected and said copy-no-more indication is not detected,

then passing information of said detection of said copy-once indication back to

said preprocessing unit over said secure channel if said secure channel has already been established" is met by Ogino et al. see Column 6 Line 8-51 .

52. Regarding Claim 68, The "recording unit further includes a secondary detector to detect if a copy-no-more indication is provided with said preprocessing unit output, and said compliance logic is further configured such that if said copy-once indication is detected and said copy-no-more indication is not detected, then establishing a secure channel with said preprocessing unit and passing information of said detection of said copy- once indication back to said preprocessing unit over said secure channel" is met by Ogino et al. see Column 6 Line 39-64.

53. Claim 69 is rejected under the same rationale as Claim 14 above.

54. Claim 70 is rejected under the same rationale as Claim 2 above.

55. Claim 71 is rejected under the same rationale as Claim 4 above.

56. Claim 72 is rejected under the same rationale as Claim 5 above.

57. Claim 73 is rejected under the same rationale as Claim 15 above.

58. Claim 74 is rejected under the same rationale as Claim 19 above.

59. Claim 75 is rejected under the same rationale as Claim 20 above.

60. Claim 76 is rejected under the same rationale as Claim 21 above.

61. Claim 77 is rejected under the same rationale as Claim 7 above.

62. Claim 78, 79, and 80 is rejected under the same rationale as Claim 61, 62 and 63

above respectively.

63. Regarding Claim 81, Ogino discloses the expansion board(as disclosed in

Applicant's specifications see Par. 0044) having an input for receiving material

and an output , expansion board configured to search for copy-once indication

and copy no more indication, not provide material to output if copy-no-more is

found and remark material with copy-no-more if copy-once is found and copy-no

more is found (see Col 10 Ln 1-6 & Col 5 Ln 39-47 & Fig.14 item S305); an

"media drive" coupled to expansion board configured to search for copy-never

indication in material and copy unless copy-never is found, but lacking capability

to remark with copy-no more (see Col 6 Ln 39-51& Col 15 Ln 48-65 & Fig.19 item

S401 & S407).

Claim Rejections - 35 USC § 103

64. Claim 8, 35,40,55 is rejected under 35 U.S.C. 103(a) as being unpatentable over

U S Patent 6571220 B1 to Ogino et al. in view of NPL to Stalling

65. Ogino does not disclose the key exchange being done via Diffie-Hellman key

exchange. However, Stallings discloses the use of Diffie-Hellman key exchange

for use between two communicating devices see pp 296 paragraph 2-3. It would

be obvious to one having ordinary skill in the art at the time of the invention to

include Diffie-Hellman in the invention of Ogino in order to use an secure key

exchange as taught in Stallings see pp 296 paragraph 2-3.

66. Claim 35 is rejected under the same rationale as Claim 8 above.

67. Claim 40 is rejected under the same rationale as Claim 8 above.

68. Claim 55 is rejected under the same rationale as Claim 8 above.

69. Regarding Claim 85 and 86, Ogino discloses the CD and solid-state memory

recordable unit see Col 1 Ln 11-33.

Conclusion

70. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to

this final action is set to expire THREE MONTHS from the mailing date of this

action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire

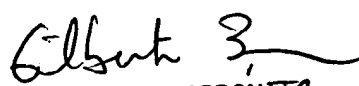later than SIX MONTHS from the mailing date of this final action.

71. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

72. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Venkat Perungavoor
Examiner
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VP

6/12/2006

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